

#376  
BILL NO. Z-88-12-28

ZONING MAP ORDINANCE NO. Z-01-89

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
designated a POD (Professional Office District) unde the  
terms of Chapter 33 of the Code of the City of Fort Wayne,  
Indiana of 1974:

Part of the North Half of the South Half of the Northeast  
Quarter of Section 14, Township 31 North, Range 12 East,  
Allen County, Indiana, more particularly described as  
follows, to wit:

Beginning at the point of intersection the North line of  
said South Half with the West right-of-way line of Coldwater  
Road as it presently exists; thence S 88 degrees 43 minutes  
west, on and along said North line, a distance of 755.7 feet  
to the Northeast corner of Sumner Court Addition as recorded  
in Plat Book 19, Page 85 in the Office of the Recorder of  
Allen County, Indiana; thence S 01 degrees 53 minutes E, on  
and along the East line of said Sumner Court Addition, a  
distance of 662.9 feet to the Southeast corner of Lot #3 in  
said Sumner Court Addition, being a point on the South line  
of said North Half; thence N 88 degrees 39 minutes E, on and  
along said South line a distance of 731.2 feet to the point  
of intersection of said South line with the West right-of-  
way line of Coldwater Road; thence N 01 degrees 45 minutes  
W, on and along said West right-of-way line, a distance of  
15.4 feet; thence N 88 degrees 15 minutes E, continuing  
along said West right-of-way line, a distance of 20.0 feet;  
thence N 01 degrees 29 minutes W, continuing along said West  
right of way line, a distance of 646.5 feet to the point of  
beginning, containing 11.450 acres of land, subject to all  
easements of record.

TOGETHER with an easement for ingress and egress being part  
of the North Half of said Northeast Quarter and being more  
particularly described as follows, to wit:

Beginning at the point of intersection of the South line of  
the North Half of said Northeast Quarter with the West  
right-of-way line of Coldwater Road; thence S 88 degrees 43  
minutes W, on and along said South line, a distance of 50.0  
feet; thence N 01 degrees 29 minutes W and parallel to said  
West right of way line a distance of 50.0 feet; thence N 89  
degrees 43 minutes E and parallel to said South line, a  
distance of 50.0 feet; to said West right of way line;  
thence S 01 degrees 29 minutes E, on and along said West  
right of way line, a distance of 50.0 feet to the point of  
beginning.

and the symbols of the City of Fort Wayne Zoning Map No. M-  
42, as established by Section 11 of Chapter 33 of the Code



#376  
of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_, M., E.S.T.

DATE: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Talmer, and duly adopted, placed on its passage. ~~PASSED~~ ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>	<u>#</u>
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	<u>✓</u>	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>LONG</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 1-24-89

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) \_\_\_\_\_ (APPROPRIATION) \_\_\_\_\_ (GENERAL) \_\_\_\_\_ (SPECIAL) \_\_\_\_\_ (ZONING MAP) \_\_\_\_\_ ORDINANCE \_\_\_\_\_ RESOLUTION NO. 2-01-89 on the 24th day of January, 1989,

ATTEST:

SEAL

Sandra E. Kennedy

Charles B. Redd

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of January, 1989, at the hour of 1:00 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 24th day of January



RECEIPT

No 2843

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 7-18 1968

RECEIVED FROM FT. W.

\$ 300.00

THE SUM OF

three hundred 00/100

100

DOLLARS

ON ACCOUNT OF

reimbursement of expenses

[Signature]  
AUTHORIZED SIGNATURE

# PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED Nov. 18, 1988

INTENDED USE Professional Offices

THIS IS TO BE FILED IN DUPLICATE

I/We Zohrab K. Tazian  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an P.O.D. District the property described as follows:

See Attached

(Legal Description) If additional space is needed, use reverse side.

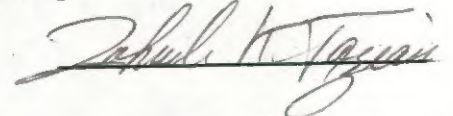
ADDRESS OF PROPERTY IS TO BE INCLUDED: 6800 Coldwater Road

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Zohrab K. Tazian

11224 Kings Crossing  
Fort Wayne, IN 46835



(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

## NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE ~~\$50.00~~)

\$100.00

Name and address of the preparer, attorney or agent.

Zohrab K. Tazian

11224 Kings Crossing  
Fort Wayne, IN 46835  
(Address & Zip Code)

(219) 424-3232

(Telephone Number)



DESCRIPTION

Part of the North Half of the South Half of the Northeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the point of intersection of the North line of said South Half with the West right-of-way line of Coldwater Road as it presently exists; thence S 88°-43' W, on and along said North line, a distance of 755.7 feet to the Northeast corner of Summer Court Addition as recorded in Plat Book 19, Page 85 in the Office of the Recorder of Allen County, Indiana; thence S 01°-53' E, on and along the East line of said Summer Court Addition, a distance of 662.9 feet to the Southeast corner of Lot #3 in said Summer Court Addition, being a point on the South line of said North Half; thence N 88°-39' E, on and along said South line, a distance of 731.2 feet to the point of intersection of said South line with the West right-of-way line of Coldwater Road; thence N 01°-45' W, on and along said West right-of-way line, a distance of 15.4 feet; thence N 88°-15' E, continuing along said West right-of-way line, a distance of 20.0 feet; thence N 01°-29' W, continuing along said West right-of-way line, a distance of 646.5 feet to the point of beginning, containing 11.450 acres of land, subject to all easements of record.

TOGETHER WITH an easement for ingress and egress being part of the North Half of said Northeast Quarter and being more particularly described as follows, to wit:

Beginning at the point of intersection of the South line of the North Half of said Northeast Quarter with the West right-of-way line of Coldwater Road; thence S 88°-43' W, on and along said South line, a distance of 50.0 feet; thence N 01°-29' W and parallel to said West right-of-way line, a distance of 50.0 feet; thence N 89°-43' E and parallel to said South line, a distance of 50.0 feet to said West right-of-way line; thence S 01°-29' E, on and along said West right-of-way line, a distance of 50.0 feet to the point of beginning.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 27, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-12-28; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 19, 1988.


NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 9, 1989.

Certified and signed this  
11th day of January 1989.



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Robert Hutner  
Secretary



**FACT SHEET**

Z-88-12-28

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

**APPROVAL DEADLINE****REASON**

From RA to POD

**DETAILS****POSITIONS****RECOMMENDATIONS**

<b>Specific Location and/or Address</b> 6800 Coldwater Road
<b>Reason for Project</b> Professional Offices
<b>Discussion (Including relationship to other Council actions)</b> <u>21 December 1988 - Public Hearing</u> See Attached Minutes  <u>9 January 1989 - Business Meeting</u> Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.  Of the eight (8) members present seven (7) voted in favor of the motion, one (1) did not vote.

<b>Sponsor</b>	City Plan Commission
<b>Area Affected</b>	City Wide  Other Areas
<b>Applicants/ Proponents</b>	<b>Applicant(s)</b> Zohrab Tazian City Department  Other
<b>Opponents</b>	<b>Groups or Individuals</b> Chuck Shambaugh  <b>Basis of Opposition</b> - concerned that this would cause a traffic hazard at ingress/egress point for project
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
<b>Board or Commission Recommendation</b>	<b>By</b> <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
<b>CITY COUNCIL ACTIONS</b> (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass



**DETAILS**

**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

**Project Start**

**Date** 18 November 18, 1988

**Projected Completion or Occupancy**

**Date** 11 January 1989

**Fact Sheet Prepared by**

**Date** 11 January 1989

Patricia Biancaniello

**Reviewed by**

*[Signature]*

**Date**

*Jan 17, 1989*

**Reference or Case Number**



- a. Change of Zone #376  
From RA to POD  
6800 Coldwater Road

Primary Development Plan - "Coldwater Professional Center"

Z K Tazian, engineer and developer appeared before the Commission. Mr. Tazian stated they are proposing - 5 office buildings and a bank site on about 2 acres. He stated that the site has sewer - 150 on the south side - and water is on the northwest corner. He stated that they had sent notices to 20 property owners in the area that they felt would be the most effected by the development. They had seven people show up at a meeting. He stated that there is a lake on the property that will be serving also as a detention basin. He stated they have buffering along the residential area to the west and south. He stated that he had read the comments from staff and had no problem with any of them. He stated the main problem they have had with the site was the entrance. He stated that he had met with Traffic Engineering and the State Highway Department and discussed the ingress and egress at length and are trying to work out the access points to the property. He stated they plan to do this project in phases. He stated they would like to build one or two of the buildings as two story in order to break up the design of the development.

Mel Smith questioned if they had checked with the airport regarding the height of the buildings in this development.

Mr. Tazian stated that the further away from the airport you are the less the height of the building is a factor. He stated that Northrop High School which is between them and the airport is already two story. He stated with that as a factor he did not check with the airport about the height of the buildings. He stated that he was involved in Shambaugh Industrial Park north of this development and at the time this was developed they checked with the airport and the two story was acceptable to them. He stated that Shambaugh Industrial Park is much closer to the airport than this location.

Mark Gensic stated he was unsure of what he was requesting for access. He questioned if he was requesting two access points or one.

Mr. Tazian stated that they are requesting an in and out to the north and out only easement to the south of the property. He stated this will go to the Driveway Subcommittee and to the State for approval, and that they are trying to work out the access.

Chuck Shambaugh stated that he drives this area daily and stated that this area is very congested and in the winter the area becomes very dangerous to drive due to the weather. He questioned if there was to be a traffic signal in this area and felt that it would cause problems for people coming into the area



at speeds of 35 to 40 miles per hour.

Mr. Tazian in rebuttal stated they intend to move the entrance further north and the topography is flatter, this would allow traffic to stop easier under hazardous conditions.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning and primary development plan.



ORIGINAL

ORIGINAL

**DIGEST SHEET**

#376  
**TITLE OF ORDINANCE** Zoning Ordinance Amendment

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - CD&P

**SYNOPSIS OF ORDINANCE** 6800 Coldwater Road 2-88-12-28

**EFFECT OF PASSAGE** Property is presently zoned R-1 - Single Family Residential  
District. Property will become P.O.D. - Professional Office District.

**EFFECT OF NON-PASSAGE** Property will remain zoned R-1 - Single Family Residential  
District.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)** \_\_\_\_\_

**(ASSIGN TO COMMITTEE (J.N.))** \_\_\_\_\_



BILL NO. Z-88-12-28

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) XXXXXXXXXX amending the City of  
Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~) Do Pass

YES

NO

Janet G. Bradbury  
JANET G. BRADBURY  
CHAIRPERSON

David C. Long  
DAVID C. LONG  
VICE CHAIRMAN

James S. Stier  
JAMES S. STIER

Donald J. Schmidt  
DONALD J. SCHMIDT

Samuel J. Talarico  
SAMUEL J. TALARICO

CONCURRED IN 1-24-89.

Sandra E. Kennedy  
Sandra E. Kennedy  
City Clerk

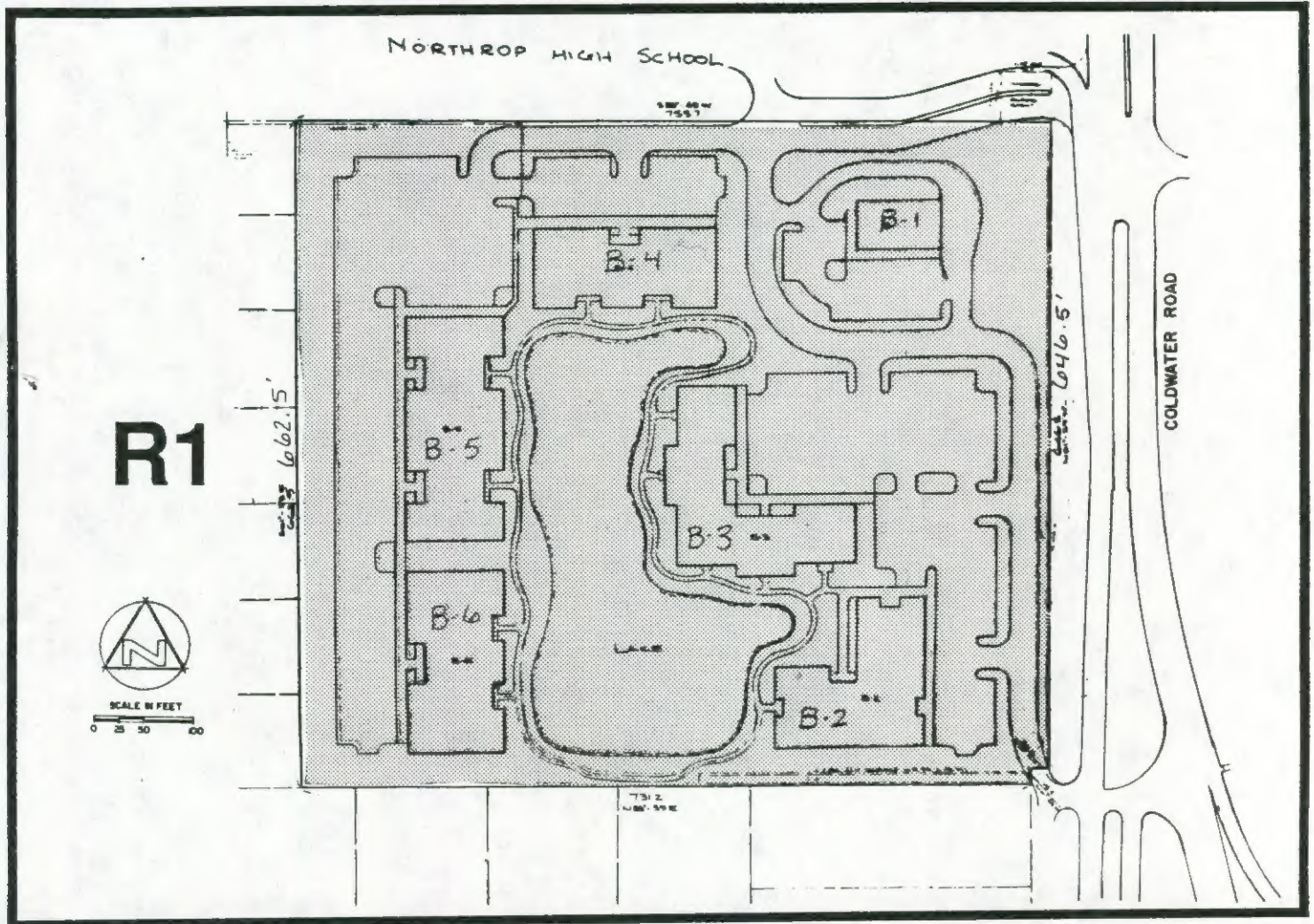


## REZONING PETITION

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R1** DISTRICT TO A **POD** DISTRICT.

MAP NO. **M-42**

COUNCILMANIC DISTRICT NO. **3**



**ZONING:**

*RA RESIDENCE "A"*

**LAND USE:**

☐ SINGLE FAMILY

**SCALE: NTS**

**DATE: 12-2-88**

